

**MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL COUNCIL MEETING**

March 20, 2002  
MAG Office, Saguaro Room  
Phoenix, Arizona

**MEMBERS ATTENDING**

Mayor Skip Rimsza, Phoenix, Chairman	Mayor Keno Hawker, Mesa
* Mayor Ron Drake, Avondale	Mayor Edward Lowry, Paradise Valley
* Mayor Dusty Hull, Buckeye	* Mayor John Keegan, Peoria
* Mayor Edward Morgan, Carefree	* Mayor Wendy Feldman-Kerr, Queen Creek
Vice Mayor Ralph Mozilo, Cave Creek	* President Ivan Makil, Salt River
Mayor Jay Tibshraeny, Chandler	Pima-Maricopa Indian Community
Mayor Roy Delgado, El Mirage	Mayor Mary Manross, Scottsdale
* Mayor Sharon Morgan, Fountain Hills	* Mayor Joan Shafer, Surprise
* Mayor Chuck Turner, Gila Bend	Vice Mayor Leonard Copple for
* Governor Donald Antone, Gila River Indian	Mayor Neil Giuliano, Tempe
Community	* Mayor Adolfo Gamez, Tolleson
Mayor Steven Berman, Gilbert	Mayor Lon McDermott, Wickenburg
Mayor Elaine Scruggs, Glendale	* Mayor Daphne Green, Youngtown
Mayor Bill Arnold, Goodyear	Dallas Gant, ADOT
* Mayor Margarita Cota, Guadalupe	Joe Lane, ADOT
Mayor J. Woodfin Thomas, Litchfield Park	F. Rockne Arnett, Citizens Transportation
Supervisor Max W. Wilson for Supervisor Don	Oversight Committee
Stapley, Maricopa County	*+Mayor Douglas Coleman, Apache Junction

\*Those members neither present nor represented by proxy.

+ Non-voting.

# Attended by videoconference or by telephone conference call.

1. Call to Order

The meeting of the Regional Council was called to order by Acting Chairman Jay Tibshraeny at 5:08 p.m.

2. Pledge of Allegiance

4. Call to the Audience

This agenda item was taken out of order.

Acting Chairman Tibshraeny recognized public comment from DD Barker, who stated that she had come to the meeting by bus. Ms. Barker requested that MAG post the rules for speaking at MAG meetings to avoid confusion over which items are allowed comment. Ms. Barker mentioned that a citizen came to MAG to attend an FTA Working Group meeting, as listed in the MAGAZine, and was

directed to the 411 N. Central building. When the citizen arrived, he was told he was not invited to attend. Ms. Barker stated her support for agenda item #7, Red Letter Notification. Acting Chairman Tibshraeny thanked Ms. Barker for her comments.

Acting Chairman Tibshraeny recognized public comment from Blue Crowley, who asked how many had read the entire Governor's Transportation Vision 21 report. He stated that there are many complaints about what the Task Force recommended, but what they have done is come up with a better plan. Mr. Crowley stated that the nature of being a mayor is being parochial. That is why they were elected, to look out for their jurisdiction. Mr. Crowley stated that the spring training sites are not listed in the Bus Book. Mr. Crowley mentioned that the City of Chandler placed outreach materials on the buses. Mr. Crowley clarified that the statement that he made at last month's meeting about a flyer not being received in time. He stated that he meant that he did not receive the flyer in the mail on time, but it was available at MAG meetings prior to the events. Mr. Crowley mentioned that he offered to distribute the flyers. When doing outreach, events need to be advertised. Mr. Crowley stated that when he asked transit staff why spring training sites were not shown in the Bus Book, he was told that people who attend spring training games do not go by bus. Acting Chairman Tibshraeny thanked Mr. Crowley for his comments. Chairman Rimsza joined the meeting.

##### 5. Executive Director's Report

James M. Bourey stated that every three years, MAG goes through a federal certification process of the MAG Transportation Planning and Program. Mr. Bourey explained that MAG recently received notice of certification.

Mr. Bourey stated that Regional Council members were informed last month of the error in calculating federal appropriations for FY 2002 to the MAG region. Mr. Bourey stated that the error has been corrected and the MAG region will receive \$12.5 million more than was initially shown.

Mr. Bourey stated that a National Conference on Aging and Mobility is scheduled for March 25-27, 2002. He encouraged attendance at the conference, which is being sponsored by many organizations. Mr. Bourey noted that more than 200 people have registered for the conference.

Mr. Bourey stated that the Management Committee formed a subcommittee to study and make recommendations on Governance issues to the Management Committee and Regional Council in April. Mr. Bourey stated that the subcommittee will meet March 22, 2002.

Mr. Bourey introduced new MAG staff member, Jane Crothers, Budget and Grants Analyst. Ms. Crothers, who replaced a former staff member, previously worked with the City of Tempe, RPTA, and in the private sector. Ms. Crothers, originally from Sweden, holds a degree from Arizona State University.

Mr. Bourey stated that the joint public hearing with ADOT has been delayed to April 5, 2002.

Mr. Bourey stated that MAG hosted a tour on March 19, 2002, of the Southeast Maricopa/Northern Pinal County Transportation Study area.

Mayor Thomas stated that Supervisor Max W. Wilson was present at the meeting for Maricopa County. Supervisor Wilson was formerly a Councilmember for Litchfield Park.

3. Approval of February 27, 2002 Meeting Minutes

Mayor Tibshraeny moved to approve February 27, 2002 meeting minutes. Mayor Delgado seconded, and the motion carried unanimously.

6. Approval of Consent Agenda

Chairman Rimsza stated that public comment is provided for consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any member of the committee can request that an item be removed from the consent agenda and considered individually. Chairman Rimsza stated that agenda items #7 and #8 were on the consent agenda.

Mayor Scruggs requested that agenda item #7, Red Letter Notification, be taken off the consent agenda.

Mayor Tibshraeny moved to approve consent agenda item #8. Mr. Gant seconded, and the motion carried unanimously.

8. Contract with Planning Technologies for Model Enhancements

The Regional Council, by consent, approved contracting with Planning Technologies to provide socioeconomic model enhancements for an amount not to exceed \$50,000. The FY 2002 MAG Unified Planning Work Program and Annual Budget, approved by the Regional Council in May 2001, includes a work element to enhance the Subarea Allocation model that MAG uses for the preparation of socioeconomic projections. The Management Committee recommended contracting with Planning Technologies to enhance the model.

7. Red Letter Notification

In June 1996, the Regional Council approved the ADOT Red Letter process, which requires MAG member agencies to notify ADOT of potential development activities in freeway alignments. Development activities include actions on plans, zoning, and permits. The Regional Council has allocated \$5 million per year through FY 2003 for advance acquisition requests where needed to prevent development in freeway alignments. ADOT has forwarded a list of notifications for calendar year 2001. There are five properties in or potentially in freeway right of way. The first item listed is for the Rio del Ray subdivision (60<sup>th</sup> Avenue and W. Broadway Road), which is in the South Mountain right of way. This property was noticed previously (July 1999) and is listed again as ADOT has now closed on the property for approximately \$2,092,250, using \$37,000 of advance acquisition funds. The second property, located at 44th Street and Winslow and in the Sky Harbor Expressway right of way, was acquired for \$625,000. The third property (Agritopia, NW corner of Ray and Higley Roads in Gilbert) is located in the Santan Freeway right of way, and was acquired by ADOT for \$3,785,905. These three FY 02 acquisitions totaled \$4,447,905. Two items in a letter from ADOT refer to potential acquisitions in the South Mountain corridor on which they have not yet made a decision to act since the alignment of the new facility has not been finalized. The final South Mountain alignment depends on the results of the Design Concept and Environmental Impact Studies currently underway. The properties in question are the Foothills Subdivision (35<sup>th</sup> Avenue and Pecos Road) and Vineyard Estates Subdivision (59<sup>th</sup> Avenue and Southern). ADOT has also advised that there also appears to be development near 27th Avenue and Pecos Road that has not or not yet been noticed. They are reviewing this development and will include it in a future Red Letter notification as needed. For information, the ADOT Advance

Acquisition policy allows the expenditure of funds to obtain right of way where needed to address hardship cases (residential only), forestall development (typical Red Letter case), respond to advantageous offers, or, with remaining funds, acquire properties in the construction sequence for which right of way acquisition has not already been funded. In FY 02, an additional approximate \$200,000 was expended by ADOT to acquire a property in the Santan right-of-way (Riggins Ranches, located on the north side of Willis Road, two thousand feet west of McQueen) as an "advantageous offer" and not as a Red Letter notification. A second advantageous offer for a property on the Red Mountain alignment (Baseline & Hawes, southwest corner, Jackson Properties) that has not yet been acquired, is expected to cost in the neighborhood of \$300,000. Together, these two acquisitions bring total expenditures from the FY 02 Advance Acquisition funds to within approximately \$50,000 of the \$5 million cap.

Mayor Scruggs moved to approve consent agenda item #7, including the statement as read at the March 6, 2002 Management Committee meeting. Mayor Scruggs read the statement into the record. She stated that the City of Glendale supports fully protecting the right of way for all planned controlled access highways including the South Mountain Parkway and Loop 303. Deferring action at this time to purchase one parcel which potentially encroaches on the South Mountain corridor should not be interpreted as a lack of commitment to fully protect the right of way for all planned freeways and expressways. Mr. Arnett seconded, and the motion carried unanimously.

9. Regional Aviation System Plan Update and Discussion of Governor's Executive Order to Establish an Advisory Council on Aviation

Harry Wolfe provided an update on the MAG Regional Aviation System Plan and the establishment of the Governor's Aviation Advisory Council. Mr. Wolfe stated that the MAG Aviation Policy Committee has approved the update inventory and forecasts and is reviewing a draft demand/capacity analysis. Subsequently, the Update will evaluate alternatives to determine the most viable set of capital improvements and policies for the MAG region. Mr. Wolfe noted that the protection of Luke Air Force Base is a major objective.

Mr. Wolfe reviewed forecasts of the RASP update on passenger boardings, privately owned aircraft, and takeoffs and landings. He stated that the demand/capacity analysis identified a need for additional commercial service capacity and additional general aviation airport capacity. Mr. Wolfe stated that the Working Paper is currently under review. Alternatives for meeting future demand are being defined with input from technical staff, the RASP Policy Committee, and the public.

Mr. Wolfe stated that on January 30, 2002, Governor Hull signed an Executive Order establishing a Governor's Advisory Council on Aviation for the purpose of developing strategies for improving the efficiency of Arizona's aviation system, enhancing land use and aviation planning and improving the working relationship and communication between state and local aviation entities and the federal agencies that have the primary responsibility for regulating aviation in this state. He noted that the Arizona Department of Transportation is currently working on a planning grant application to the Federal Aviation Administration in support of the Advisory Council's efforts. Mr. Wolfe expressed concern with a duplication of effort and working at cross-purposes. He noted that the Advisory Council will be looking at airspace congestion and airport/land use competition. Mr. Wolfe stated that a progress report would be given after the findings and alternatives are determined. Chairman Rimsza thanked Mr. Wolfe for his report and asked if there were any questions.



10. Options for Determining 2005 Population Information, Including Conducting a 2005 Special Census

Mr. Wolfe stated that at the February meeting, the Management Committee reviewed the pros and cons of conducting a 2005 Special Census or using an estimate. Members of the Committee requested additional information on the benefits and costs of conducting a special census and asked staff to make recommendations for improving the population estimates. He remarked that MAG staff worked on developing various scenarios. Mr. Wolfe stated that a 1995 state law allowed for the use of estimates for distributing approximately \$1 billion in state-shared revenue, but this legislation had sunset. He added that the League is considering submitting a similar law during the next legislative session to cover the use of estimates. Mr. Wolfe stated that options include: continue using the 2000 census numbers, contract with the Census Bureau to conduct a 2005 Special Census, or pursue estimates if the law is changed. Mr. Wolfe reviewed factors for a community to consider to determine whether a special census would be worthwhile. The factors depend on a jurisdiction's growth rate, which jurisdictions decide to pursue a special census, whether the state law can be changed to allow for an estimate, and whether the estimate would be accurate enough to be used in place of a special census.

Mr. Wolfe stated that MAG staff developed five "what if" scenarios to reflect which jurisdictions might pursue a special census. Mr. Wolfe reviewed the assumptions used in the scenarios. The scenarios included: no one conducts a special census, only MAG members conduct a special census, places with greater than three percent growth conduct a special census, all MAG members and other jurisdictions with greater than three percent growth conduct a special census, and no one conducts a special census and estimates are used. Mr. Wolfe noted that based on historical information, the MAG region is two percent under-estimated, and the rest of the state is two percent over-estimated.

Mr. Wolfe explained the process used in 1995 by the City of Tucson, South Tucson, and unincorporated portions of Maricopa County, to conduct a survey and prepare an estimate. The survey, which cost them approximately \$1 million, produced five pieces of data, including resident population in households, persons in group quarters, total housing units, occupied housing units, and persons per occupied housing unit. Mr. Wolfe stated that the three jurisdictions were generally satisfied, but were concerned with the count in group quarters and the amount of money paid for a minimal amount of data.

Mr. Wolfe stated that if the MAG region were to conduct a survey and estimate similar to the one done by the Tucson area in 1995, the cost could be roughly estimated at \$7 to \$10 million. He emphasized that this was a very preliminary figure and he would bring back that another estimate after more research. Mr. Wolfe added that the Census Bureau has indicated that they may no longer offer staff to conduct surveys. He stated that work will continue with DES to enhance the estimates process, experts to gauge survey costs, the Census Bureau about the use of staff for surveys, member agency staff to review the enhancements to estimates, and research on the Tucson area experience.

Mayor Manross asked for clarification of the growth rate of three percent shown in the presentation and the five percent growth rate shown on the chart included in the agenda packet. Mr. Wolfe replied that he would verify the percent.

Mayor Manross asked if \$30 million would be an adequate amount to cover the cost of a special census. Mr. Wolfe replied that the \$30 million figure was a suitable figure. However, the concern is the ability to hire a sufficient number of enumerators. Mr. Wolfe explained that 6,000 people were hired to complete the 1995 special census. There are now one million more people in the region to count.

Chairman Rimsza asked if the April 1 date was an important issue to rural communities, because of the summer visitors in the northern part of the state. Mr. Wolfe stated that a jurisdiction can contract for a special census to be conducted at any time of the year. He added that the Census Bureau only counts residents, not visitors. Mr. Wolfe stated that the MAG region would probably take a special census toward the latter part of the year to capture the most growth. Chairman Rimsza asked about the process for following up with individuals who were not available for the original household survey. Mr. Wolfe replied that a follow-up card was used in 1995.

Chairman Rimsza asked why a rural community would support any changes to state law that could allow Maricopa County to receive more state shared revenue. Mr. Wolfe replied that those communities could possibly support a change only if their jurisdiction was growing. Chairman Rimsza noted the disappointment of other mayors with their decennial census numbers. He stated that this is an issue that may need to be considered.

Mayor Manross asked if additional information would be provided at future meetings. Mr. Wolfe stated that MAG is trying to compare the cost versus revenue of doing a survey, versus conducting a special census.

Mayor Scruggs stated that a special census would not be beneficial to most MAG member agencies. She asked for clarification of \$15 million in roadway funds that could be used for the special census. Mr. Bourey replied that STP funds could be used. However, the federal government has not yet indicated that they will allow the expenditure.

Mayor Scruggs stated that alternative uses for the money that would be spent on a special census may need examination. She asked why a special census was being considered. Mr. Bourey explained that MAG conducted a special census during the last two mid-points of the decade. He stated that the information was being provided to member agencies so they could decide for themselves whether they wanted to pursue a special census. Mr. Bourey added that if some of the fastest growing jurisdictions undertake a special census, it may be advantageous to other jurisdictions to undertake a special census to protect their revenue stream. Mr. Bourey remarked that staff is not advocating conducting a special census, only providing information. Chairman Rimsza thanked Mr. Wolfe for his presentation.

#### 11. Broadcast Feasibility Study

Kelly Taft stated that on April 17, 2000, the MAG Executive Committee requested that MAG research the possibility of airing MAG Regional Council meetings on city-operated cable channels. The "Broadcast Feasibility Study" was incorporated into the Work Program and a Request for Qualifications was issued. Ms. Taft stated that Randy Murray Productions was selected as the consultant to conduct the study to determine the options for carrying Regional Council meetings on local cable channels, conducting research into staffing, equipment and implementation costs. Ms. Taft introduced the consultant, Randy Murray.

Mr. Murray stated that the study included surveys of mayors, city managers, city staff, and cable programmers to determine their ability and requirements for carrying MAG programming on local Channel 11s. Mr. Murray reviewed the findings of the MAG member agency survey. Positive responses included increasing the awareness of MAG and expanding participation by those who normally could not attend meetings. He stated that there was concern expressed that MAG meetings could be boring and confusing to the public. Mr. Murray noted that it was expressed that a high quality

production would be necessary. He reviewed findings of the government cablecasters' survey. Mr. Murray stated that the cablecasters expressed an overall willingness to carry MAG programming.

Mr. Murray reviewed the options for program styles and costs of broadcasts. He stated that the final recommendation determined from the study is to air a monthly, pre-produced, 30-minute show that recaps the highlights of the Regional Council meeting and includes a short narrative to explain the issues, at a cost of \$8,700 per month. Ms. Taft noted that due to current economic conditions, the Management Committee recommended deferral for at least one year regarding the concept of producing a summary informational feature of the MAG Regional Council meeting.

Mayor Tibshraeny moved to defer for at least one year regarding the concept of producing a summary informational feature of the MAG Regional Council meeting. Mayor Manross seconded.

Chairman Rimsza recognized public comment from Mr. Crowley, who stated that some will watch a show at 2:00 a.m. to be aware of the political process. He stated that gavel-to-gavel coverage is needed because full disclosure is needed. If a show is only a half hour, would only the voting be shown? Mr. Crowley stated that the open meeting law states that public business needs to be done in the public arena. Mr. Crowley stated that intense debate at Regional Council meetings will generate more feedback. He added that showing gavel-to-gavel meetings may be beneficial to show that issues are considered regionally at MAG. Mr. Crowley requested that people be allowed to see what MAG is doing.

Chairman Rimsza stated that he would support the motion, however, he felt that MAG needs to broadcast its meetings and demonstrate the good work that it does. He added that the cost for the show would not be an extreme cost.

Mayor Manross stated that she was not opposed to broadcasts, because open government is the way to go. However, with the current economy, she did not think that \$100,000 should be spent on broadcasts. She stated that the issue might be revisited in one or two years.

Mayor Lowry asked for clarification if the motion precluded discussion and review of the issue in six months, for example. Chairman Rimsza asked Mayor Tibshraeny, as maker of the motion, if the motion would allow for a discussion and review in six months. Mayor Tibshraeny agreed. Mayor Manross, as second, agreed.

Mayor Lowry stated that a year seemed like a long time to delay this issue. He stated that he did not want to preclude any consideration of the project. Mayor Lowry indicated that there are many factors, such as a pick up in the economy, that could affect whether meetings should be broadcast. If it makes sense to proceed on the broadcasts, then the issue could be brought back. Mayor Lowry stated that it is important to show the good work done by MAG.

Mayor Tibshraeny stated that the amended motion was to defer the concept of producing a summary informational feature of the MAG Regional Council meeting, however, the issue could be brought back for consideration at a member's request. Mayor Manross seconded, and the motion carried unanimously.



## 12. Legislative Update

Dennis Smith stated that HB 2588, which increases the statutory cap on HURF parity bonds issued by the State Transportation Board from \$1 million to \$3 million, passed the House. Mr. Smith stated that the Regional Council position was to oppose HB 2660, which shifts planning and programming authority from MPOs to the State Transportation Board. He explained that an amendment was drafted addressing many of MAG's concerns. Mr. Smith added that the recommendation is to change the Regional Council position to not oppose and continue to refine the language as needed.

Chairman Rimsza stated that action for each bill would be appropriate. Mayor Tibshraeny moved to change the Regional Council position on HB 2660 to not oppose. Mayor Delgado seconded.

Mayor Manross asked for clarification of the language in the amendment. Mr. Smith stated that there was a penalty in HB 2660 whereby HURF funds could be withheld. He stated that the penalty language was stricken in the amendment. He added that the bill still contains language that does not reflect federal guidelines, and this would need additional work. Mayor Manross asked if the bill is passed with the amendment, what would be the purpose of the bill? Mr. Smith replied that the bill would still promote the concept of performance based planning. Mr. Smith noted that key language would state that the plan would be developed by MAG in cooperation with ADOT and RPTA. Mr. Bourey added that some in the Legislature feel the changes in the bill are important in order to proceed on the half cent sales tax extension.

Mayor Delgado asked if no opposition was the same as no position? Mr. Smith stated that the recommended position was to not oppose, and to testify on needed changes. Chairman Rimsza asked ADOT's position. Mr. Lane stated that the Board had not discussed a position.

Hearing no further discussion, Chairman Rimsza asked for a vote on the question, which passed unanimously.

Mr. Smith stated that HB 2585 is a complicated bill. Congress enacted the Clean Air Act which created a program for protecting visibility in wilderness areas and national parks. In 1990, Congress enacted legislation, which authorized Visibility Transport Commissions, including specifically the Grand Canyon Visibility Transport Commission. The Transport Commission issued a report in 1996 and a follow-on organization, the Western Region Air Partnership developed implementation strategies for several recommendations in the Grand Canyon report. The Grand Canyon Commission Recommendations were published in the federal regulations as an option for western states and provide for a different approach to addressing haze referred to as the 309 approach. Mr. Smith noted that the 309 approach sets a level we cannot meet on mobile sources. Mr. Smith stated that an amendment has been prepared in an attempt to address our concerns. This amendment states that the department can only pursue the 309 approach if the mobile source emissions from areas within the state do not contribute significantly to visibility impairment in any of the Grand Canyon Visibility Transport Commission Class 1 Areas. Mr. Smith stated that the recommended position is not oppose as amended and that a letter be sent from MAG to the leadership expressing concerns with the 309 approach.

Chairman Rimsza asked for a motion to change the Regional Council's position on HB 2585 to not oppose. Mayor Tibshraeny moved, Mayor Lowry seconded, and the motion carried unanimously.

Chairman Rimsza recognized public comment from Mr. Crowley, who stated that the information provided on this item in the agenda packet does not show citizen input. Mr. Crowley stated that he wants the revenue from the sales tax to be split two ways--between transit, commuter rail, bike and maintenance; and freeway, light rail, and bullet trains. Mr. Crowley stated he disagreed with opposing HB 2660. He stated that he did not know the reason for no position for HB 2045. Mr. Crowley stated that ADOT and the County have been trying to work with the Legislature to make the process more seamless. He stated that asking Mr. Lane for the Board's position was not fair, because they are not allowed to comment. ADOT staff should have been asked to comment. Mr. Crowley stated that he wanted two separate votes and a county-wide district system to manage the sales tax funds. Chairman Rimsza thanked Mr. Crowley for his comments.

There being no further business, the meeting adjourned at 6:16 p.m.

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Chairman

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Secretary